

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Brad J.,

Case No. 22-cv-1109 (WMW/LIB)

Plaintiff,

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

v.

Kilolo Kijakazi, *Acting Commissioner of
Social Security*,

Defendant.

This matter is before the Court on the May 17, 2023 Report and Recommendation (R&R) of United States Magistrate Judge Leo I. Brisbois. (Dkt. 21.) Because no objections have been filed, this Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Having reviewed the R&R, the Court finds no clear error.

Based on the R&R and all the files, records and proceedings herein, **IT IS HEREBY ORDERED:**

1. Plaintiff Brad J.'s Motion for Summary Judgment, (Dkt. 14), is **GRANTED in part** and **DENIED in part**, as follows:
 - a. Plaintiff's motion is GRANTED as to the request for a remand of the case to the Social Security Administration for further consideration; and
 - b. Plaintiff's motion is DENIED as to the Plaintiff's motion for an award of benefits from this Court or a remand for an award of benefits.

2. Defendant Kilolo Kijakazi's Motion for Summary Judgment, (Dkt. 18), is
DENIED.

3. This matter is **REMANDED** to the Social Security Administration, pursuant to 42 U.S.C. § 405(g).¹

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 20, 2023

s/Wilhelmina M. Wright
Wilhelmina M. Wright
United States District Judge

¹ “The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” 42 U.S.C. § 405(g).